

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of remarks herewith, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 26-27, 29-30, and 32-40 are currently pending.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 26, 27, 29, 30, 32-36, and 38 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,163,316 to Killian in view of U.S. Patent Application Publication No. 2004/0128685 of Hassell et al. (hereinafter, merely "Hassell") and further in view of U.S. Patent No. 6,097,441 to Allport;

Claim 37 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Killian, Hassell, and Allport and further in view of U.S. Patent No. 5,758,257 to Herz et al. (hereinafter, merely "Herz"); and

Claims 39 and 40 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Killian, Hassell, and Allport and further in view of U.S. Patent No. 6,698,020 to Zigmond et al. (hereinafter, merely "Zigmond").

Applicants respectfully traverse these rejections.

Independent claim 29 is representative and recites, *inter alia*:

"a remote controller configured to remotely control the receiver unit, the remote controller having a display unit and a removable recording medium;" (emphasis added).

In the invention as claimed in claim 29, the receiver has a remote control device. The remote control device includes a removable recording medium and a display. Digital content that is selected by the receiver based on the attributes of the digital content is recorded on the removable recording medium of the remote control device. That is, the remote control device stores the selected digital content. Moreover, the remote control device has a display. The digital content (selected by the receiver and recorded on the remote controller) is reproduced on the remote control display.

That is, the receiving apparatus is provided with a remote controller for controlling the receiving apparatus. The remote controller has a removable recording medium (*e.g.*, a floppy disk, memory card, *etc.*). The receiving apparatus stores digital content, which is selected by the filter unit. Publ. App. pars. [0107]-[0109] and FIGS. 5 and 6.

A. **NONE OF THE REFERENCES DISCLOSES A
REMOTE CONTROLLER HAVING A
REMOVABLE RECORDING MEDIUM**

The Office Action at page 3 points to Hassell pars. [0019]-[0020] as disclosing “a method of recoding programs on a removable storage medium.” Then concludes, “Hassell accordingly discloses a removable recording medium control means for recording at least one selected digital content on the removable recording medium.” Applicants assert, this is a misapplication of the disclosure of Hassell.

Referring to Hassell, FIG. 2, Hassell is disclosing a video output signal (TV broadcast) that is recorded to both a storage device 31 in a set-top box (STB) 28 and also may be recorded

to a optional secondary storage device 32 such as a VCR or DVD capable of recording video content. **“The remote control 40 may be used to control set-top box 28, secondary storage 32, and television 36.”** Hassell, par. [0020] and FIG. 2.

Hassell, however, does not disclose the remote control 40 includes a removable recording medium. Indeed, referring to FIG. 2, and pars. [0019]-[0020], Hassell is merely describing a well-known remote control 40 that can control the recording of digital content on the STB 28 and on the external secondary storage 32 as well as control the TV itself. This is unsurprising. Applicants concede there exist in the world remote controls that are capable of controlling recording content on a STB, a VCR (or DVD, etc.) and also control a TV.

However, the remote control 40 of Hassell does not include a removable recording medium as recited in claim 29, “a remote controller . . . the remote controller having . . . a removable recording medium.” Hassell simple makes no such disclosure.

The Office Action next points to Allport and states, “While Allport is silent on the remote controller comprising a ‘removable recording medium’, Allport discloses that either a remote control may have ‘enough’ memory or access to a storage device to browse through its recordings.” (emphasis added). The Office Action plainly concedes Allport does not disclose a remote controller having a removable recording medium. Thus, neither Allport nor Hassell discloses a remote controller having a removable recording medium.

The Office Action points to Allport’s remote control as having the (undefined) ‘enough’ memory, but there does not disclose a remote control with a removable recording medium, a feature of the invention as claimed in claim 29.

Indeed, Allport only describes the remote control has “enough” memory to “function as a convenient front-end to DVD [] players and recorders, allowing the user to browse actual video, audio, and other recordings to select a desired title for playing.” Allport, col. 5, lines 17-22. That is, the remote control can act “as a front-end for the consumer to program and otherwise make use of the system component, and . . . to navigate through the available screens to accomplish the desired control over consumer devices.” Allport, col. 8, lines 45-51 and FIG. 2. That is, the remote control of Allport only has sufficient memory to allow front-end functions such as browsing available titles, or controlling other components. There is no suggestion in Allport the video content is recorded to a removable medium in the remote control.

Thus, neither Hassell nor Allport discloses, “. . . the remote controller having. . . a removable recording medium,” as recited in claim 29. Moreover, neither Hassell nor Allport disclose recording the video content to the removable recording medium located in the remote control as claimed in claim 29.

Neither Killian, Herz nor Zigmond add the elements missing from Hassell and Allport.

Claim 29 is patentable over Killian, Hassell, Allport Herz, or Zigmond because those references taken alone or in combination do not teach or suggest each and every element recited in the claim.

Independent claims 26, 32, and 34 are believed patentable for substantially the same reason as discussed above with respect to claim 29.

III. OTHER DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 26-27, 29-30, and 32-40 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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A handwritten signature in black ink, appearing to be 'P. A. Levy', written over a horizontal line.

By: _____

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